

company on that part of the road between Austin and San Antonio, \$400,000 shall be retained by the Governor until said company shall have completed its road twenty miles westward of San Antonio; that the bonds to be issued to said company on that portion of the road between San Antonio and Laredo, shall be delivered in amounts as follows: \$500,000 when fifty miles shall have been completed; \$500,000 when hundred miles are constructed, and the remaining \$500,000 when the said road shall have been completed to the city of Laredo, on the Rio Grande."

The question then recurring on the substitute and amendments as offered by Senator Russell, and these offered by Senator Shepard, they were lost by the following vote:

YEAS—Senators Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Russell, Shepard and Wood—10.

NAYS—Senators Ball, Baker, Bradshaw, Burton, Camp, Culberson, Craven, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Parker, Randle, Stirman, Swift and Westfall—18.

Senator Dillard offered as a substitute for the whole matter under consideration, a bill entitled "An act to aid in the construction of the International Railroad, and to settle and compromise the claims which it holds against the State of Texas." Substitute read first time.

On motion of Senator Shepard, Senator Joseph was excused for one week.

On motion of Senator Ball, Senator Baker was excused until Tuesday.

On motion of Senator Ball, the Senate adjourned until Monday, 10 o'clock A. M.

EIGHTEENTH DAY.

SENATE CHAMBER,
AUSTIN, February 1, 1875. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain. Journal of Saturday read and adopted.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills ask leave to report that they have carefully examined and compared the fol-

lowing Senate bills and find the same correctly engrossed: No. 546, "An act regulating the times of holding the district court in the Twenty-fourth Judicial District." No. 454, "An act to incorporate the Lamar University Association." No. 504, "An act supplemental to and amendatory of 'an act to incorporate the Austin and Pacific Short Line Railroad Company.'" No. 554, "An act to enable the citizens of the town of Ledbetter to reorganize their municipal government." No. 530, "An act for the relief of J. W. Pope, special judge." No. 552, "An act to authorize the Board on Public Printing to employ a practical printer to aid them in the proper discharge of their duties."

W. R. FRIEND, for Committee.

Senator Erath presented a petition from citizens of McLennan county, "Asking the passage of a law to prevent the sale of spirituous liquors within three miles of the town of Comanche Springs, in said county of McLennan." Read and referred to Committee on State Affairs.

Senator Bradley introduced a joint resolution, "Proposing amendments to the constitution of the State of Texas." Read first time and referred to Committee on Constitutional Amendments.

Senator Wood presented the proposition of the *Houston Age*, to publish 6,000 copies of the speeches delivered by Senators Culberson, Ireland and Shepard, on the International bond question, and to furnish them at the usual subscription rates." Read and referred to Committee on State Affairs.

Senator Westfall presented the petition of Francis D. Fletcher, "Asking relief." Read and referred to Committee on State Affairs.

A message was received from the House announcing the passage of House bill No. 641, "An act concerning the Gulf, Western Texas and Pacific Railway Company." Also, the passage of House joint resolution No. 32, "For the relief of Rufus A. Upton, late sheriff of Refugio county." Also, the passage of Senate joint resolution No. 560, "Ratifying the contract made by the Printing Board with John D. Elliott, to do the current printing ordered by the Senate, and also by the House of Representatives of the Fourteenth Legislature."

The hour for the consideration of the special order having arrived, to-wit: the consideration of the substitute

offered by Senator Dillard, on Saturday, for the substitute offered by Senator Dwyer, the said substitute being entitled "An act to aid in the construction of the International Railroad, and to settle and compromise the claims which it holds against the State of Texas," it was taken up and read second time.

Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Senator Wood.

The absent Senator making his appearance, the call was suspended.

The vote being on the adoption of the substitute offered by Senator Dillard, it was lost by the following vote:

YEAS—Senators Ball, Bradshaw, Bradley, Craven, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Shepard and Wood—13.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—15.

Senator Stirman then offered the following, as an amendment to the original bill: Insert after the word "State," in section 4, line 13, the words "at the rate of ten thousand dollars per mile," and after the word "road" in section 4, line 18, insert the words "*pro rata*." Adopted.

Senator Russell offered the following amendment: Amend section one, by striking out all after the word "San Antonio," in line 21, down to and including the word "company," in line 26, and insert as follows: "*Provided further*, that, if said company shall fail to construct said road or any portion of the same between the cities of Jefferson and Lavaca, by way of the towns of San Marcos and New Braunfels and the city of San Antonio, within the time prescribed by law, the bonds which shall be or may be issued by the State of Texas to said company, together with the interest, which the State may pay on said bonds, shall be taken and held to be a debt due and owing by said railroad company to the State of Texas, which said debt shall be a *first lien* in favor of the State against the said International Railroad, and against all the property of said International Railroad Company in the State of Texas."

Lost by the following vote:

YEAS—Senators Ball, Bradshaw, Bradley, Craven, Dil-

lard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

The vote being evenly divided, the President voted in the negative; the amendment, therefore, being lost.

Senator Ireland offered the following amendment:

“Provided further, that if said company shall fail to construct said road, or any portion of the same, between the cities of Jefferson and San Antonio by way of the towns of San Marcos and New Braunfels, within the time prescribed by law, the bonds which shall be or may be issued by the State of Texas to said company, together with the interest which the State may pay on said bonds, shall be taken and held to be a debt due and owing by said railroad company to the State of Texas, which said debt shall be a first lien in favor of the State against the said International Railroad, and against all the property of the said International Railroad Company in the State of Texas.”

The vote on said amendment stood as follows:

YEAS—Senators Ball, Bradshaw, Bradley, Craven, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

The Senate being evenly divided, the President voted in the negative, thereby defeating the amendment.

Senator Bradley offered the following amendment:

“Provided further, that if said company shall fail to construct said road, or any portion of the same, between the cities of Jefferson and New Braunfels, by way of the town of San Marcos, within the time prescribed by law, the bonds which shall be or may be issued by the State of Texas to said company, together with the interest which the State may pay on said bonds, shall be taken and held to be a debt due and owing by said railroad company to the State of Texas, which said debt shall be a first lien in favor of the State against the said International Railroad, and against all the property of the said International Railroad Company in the State of Texas.”

The amendment was lost by the following vote:

YEAS—Senators Bradshaw, Bradley, Dillard, Davenport, Erath, Hobby, Ireland, Parker, Russell and Wood—10.

NAYS—Senators Ball, Baker, Burton, Camp, Culberson, Craven, Dwyer, Ellis, Flanagan, Friend, Joseph, Morris, Moore, Randle, Shepard, Stirman, Swift and Westfall—18.

Senator Wood offered the following amendment :

Amend the last section of the bill to read as follows :

Section —. That at the next ensuing general election to be held in this State for delegates to a convention, or for members of the Legislature, the Governor shall by proclamation, duly published, submit the settlement contained in this act to a vote of the people at such election ; and that each voter at such election shall be required to endorse on his ballot, for or against the legislative settlement with the International Railroad Company ; and the managers and judges of each election precinct in each county of this State, shall certify to and return as now required by law, the number of votes cast for and against said legislative settlement, at their respective voting precincts ; and the presiding justices of each county shall at the proper time as now required by law, open the returns from the several voting precincts in their counties, and validate such returns and certify under their hands and the seal of the county, to the whole number of votes casts in their county at such election, the number of votes cast for such legislative settlement, and the number of votes cast against the same, and make due return of said poll in their said counties to the Secretary of State, as now required by law ; and it shall be the duty of the Secretary of State to open and count said returns, as now required by law, and certify the same to the Governor, under his hand and the seal of the State ; and the Governor shall announce the result of said election by proclamation ; and should a majority of all the voters voting at said election in this State vote for said legislative settlement, then the Governor shall at once deliver the bonds to said International Railroad Company, required and authorized by this act ; but should a majority of all the voters voting at such election not vote in favor of said legislative settlement with said company, contained in this act, then the Governor shall not deliver the said bonds to said company, nor shall the company take any benefit under this act. Lost by the following vote :

YEAS—Senators Bradshaw, Bradley, Craven, Davenport, Ellis, Erath, Ireland, Parker, Russell, Shepard and Wood—11.

NAYS—Senators Ball, Baker, Burton, Camp, Culberson,

Dillard, Dwyer, Flanagan, Friend, Hobby, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—17.

Senator Hobby offered the following amendment as an additional section: "Section —. That the sum of five hundred dollars, or so much thereof as is necessary, be and is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, for the purpose of defraying the expenses of engraving and printing the bonds herein provided for."

The vote on said amendment was as follows:

YEAS—Senators Ball, Bradshaw, Bradley, Craven, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

The vote being evenly divided, the President voted in the negative, and the amendment was therefore lost.

Senator Bradshaw offered the following amendment: Amend by adding to section five, the following words: "*Provided*, that, if upon investigation, authorized by this or any future Legislature of the State of Texas, it shall be ascertained that the original bill granting the subsidy was passed by fraud or bribery, then, in that event, this act is to be null and void, and the bonds authorized by the same, shall be deemed void."

The vote on said amendment stood as follows:

YEAS—Senators Ball, Bradshaw, Bradley, Craven, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

The vote being evenly divided, the President voted in the negative, and the amendment was lost.

The question then recurring on the engrossment of the bill as amended, it was ordered engrossed by the following vote:

YEAS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Morris, Moore, Randle, Stirman, Swift and Westfall—14.

NAYS—Senators Ball, Bradshaw, Bradley, Craven, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, Russell, Shepard and Wood—14.

The vote being evenly divided, the President voted in the affirmative, and the bill was ordered engrossed.

On motion of Senator Ireland, the rules were suspended and Senate bill No. 448, "An act to provide for the public printing," and also substitute therefor, recommended by the committee, being entitled "an act to provide for the instruction of the pupils of the institution for the deaf and dumb, of this State, in the art of printing," was taken up.

Substitute read first time and adopted.

On motion of Senator Ireland, the substitute was referred to the Judiciary Committee.

The following House bills was taken from the President's table and referred :

House bill No. 675, "An act to authorize the county court of Collin county to issue bonds," was read first time and referred to Finance Committee.

House bill No. 561, "An act to authorize the county court of Waller county to have certain records transcribed," was read first time and referred to Judiciary Committee.

House bill No. 660, "An act to pay counsel for prosecuting cases in favor of the State of Texas," was read first time and referred to Judiciary Committee.

House joint resolution No. 57, "Instructing and requesting our Congressional delegation to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the army and navy of the United States in the late war with Mexico," was read first time and referred to Committee on Federal Relations.

House bill No. 231, "An act to incorporate the Galveston Cotton Exchange," was read first time and referred to Committee on State Affairs.

On motion of Senator Shepard, the rules were suspended and Senate bill No. 501, "An act amendatory of and supplemental to 'an act granting pensions to the surviving veterans of the revolution,'" etc., was taken up and read second time.

(Senator Ball in the chair.)

Senator Wood offered the following amendment: Add to the end of the first section, "*provided*, this shall not affect the right of parties under this section, who have now on file with the Comptroller, the proof which entitles them

to a pension of \$150 00 per annum under the original section, of which this act is amendatory." Adopted.

Senator Baker offered the following amendment:

(The President in the chair.)

Erase in section one, page two, line four, the words "that he has not sufficient property or money in his possession reasonably to produce an annual income of \$250," and insert the words "that he is in indigent circumstances and unable to earn a livelihood." Lost by the following vote:

YEAS—Senators Ball, Baker, Bradshaw, Burton, Culberson, Craven, Flanagan, Friend, Randle, Swift and Wood—11.

NAYS—Senators Bradley, Camp, Davenport, Dwyer, Ellis, Hobby, Joseph, Morris, Moore, Parker, Shepard, Stirman and Westfall—13.

Senators Erath and Ireland were excused from voting.

Senator Shepard moved that the bill be re-referred to Judiciary Committee. Lost.

Senator Baker offered the following amendment as an additional section:

Section 6. That all claims for bonds and pension certificates entitling the holders thereof to bonds, which have not heretofore been acted upon or granted, shall be passed upon and decided by the Attorney General and the Comptroller of Public Accounts; and all such claimants shall appear before them in person, with their witnesses, for the purpose of establishing their claims; *provided*, persons who apply for pensions for life, shall only be required to appear before the county court and make the proof required by law to entitle them to the same."

Senator Friend offered the following as an amendment to the amendment: "In place of the words 'Attorney General,' insert the words 'some attorney to be selected by the Comptroller.'" Lost.

The question then recurring on the adoption of the amendment, offered by Senator Baker, it was adopted.

Senator Dwyer offered the following amendment:

"Amend first section by striking out the \$250 income clause, and insert in lieu thereof the words "that the holder of a pension certificate does not own ten thousand dollars worth of property.'" Lost.

The bill, as amended, was then ordered engrossed.

On motion of Senator Baker, the rules were further sus-

pending, bill read third time and passed by the following vote :

YEAS—Senators Ball, Baker, Bradshaw, Bradley, Burton, Camp, Culberson, Craven, Dillard, Davenport, Dwyer, Ellis, Flanagan, Friend, Ireland, Joseph, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift, Westfall and Wood—25.

NAYS - None.

On motion of Senator Ellis, the rules were suspended and Senate bill No. 565, "An act for the relief of W. H. Coleman," was taken up, read second time and ordered engrossed.

On motion of Senator Ellis, the rules were further suspended, bill read third time and passed.

A message was received from the House announcing the passage of the following bills :

House bill No. 641, "An act concerning the Gulf, Western Texas and Pacific Railway Company." House bill No. 423, "An act concerning the corporation of the town of Lockhart, in Caldwell county, Texas." House bill No. 765, "An act to amend 'an act to adopt and establish a Penal Code for the State of Texas,' " approved August 28, 1856." Senate bill No. 72, "An act to amend an act entitled 'an act to authorize the cancellation of patents in certain cases,' " approved February 3, 1875, with an amendment by the House. Senate bill No. 445, "An act to repeal an act 'entitled an act to release certain taxes to the residents of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Banderas, Medina, Frio, McMullen, Duval, Starr and all the counties lying west and southwest of the same,' " passed April 30, 1873.

On motion of Senator Flanagan, the rules were suspended and Senate bill No. 569, "An act to fix the time for holding the courts in the Sixth Judicial District," was taken up, read second time and ordered engrossed.

On motion of Senator Ellis, the rules were further suspended, bill read third time and passed.

On motion of Senator Ireland, the rules were suspended and House bill No. 423, "An act concerning the corporation of the town of Lockhart, in Caldwell county, Texas," was taken up and read first time.

On motion of Senator Ireland, the rules were further suspended, bill read second time and passed to third read-

ing. On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

On motion of Senator Russell, the rules were suspended and House bill No. 631, "An act supplemental to 'an act to create and provide for the organization of Tom Green county,'" approved March 13th, 1874, was taken up and read first time.

On motion of Senator Russell, the rules were suspended, bill read second time and passed to third reading.

On motion of Senator Russell, the rules were further suspended, bill read third time and passed.

On motion of Senator Stirman, the rules were suspended and Senate bill No. 581, "An act for the relief of R. B. Shaw," was taken up, read second time and ordered engrossed.

On motion of Senator Stirman, the rules were suspended, bill read third time and passed.

On motion of Senator Friend, the rules were suspended, and House bill No. 603, "An act to legalize the adoption of certain amendments to the charter of the town of Victoria, in Victoria county," pending a substitute by the committee reporting on said bill; said substitute being entitled "An act to legalize and validate all amendments to town and city charters, made under the provisions of 'an act to provide for the amendment of town and city charters,'" approved April 24, 1874. The bill and substitute were taken up.

Substitute read first time and adopted.

Rules suspended, read second time and ordered engrossed.

On motion of Senator Flanagan, the rules were further suspended, bill read third time and passed.

On motion of Senator Ball, the rules were suspended, and Senate bill No. 518, "An act to provide for the sale of lands heretofore granted to the various counties for educational purposes," was taken up, pending an amendment by the committee, read second time and made special order for Thursday next, at 11 o'clock A. M., and to continue as said special order from day to day until disposed of, and one hundred copies of the original bill, amendment and report of committee ordered printed.

By leave, Senator Erath introduced a bill entitled "An act to require the Attorney General to intervene in the behalf of the State of Texas, in a suit of G. J. and J. P. Mar-

tines del Rio *versus* H. Henson." Read first time and referred to Judiciary Committee.

On motion of Senator Westfall, the rules were suspended and Senate bill No. 535, "An act to pay counsel for prosecuting cases in favor of the State," was taken up and referred to Judiciary Committee.

On motion of Senator Westfall, the rules were suspended, and House bill No. 536, "An act supplementary and amendatory of 'an act to incorporate the Western Narrow Gauge Railway Company, and the several acts supplementary and amendatory thereto,'" was taken up and read second time.

On motion of Senator Ellis, the Senate adjourned until 10 o'clock A. M., to-morrow.

NINETEENTH DAY.

SENATE CHAMBER,
AUSTIN, February 2, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of yesterday was dispensed with.

Senator Baker, Chairman Finance Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senates bill No. 587, "An act to require the presiding justices of the peace to assess the State and county taxes for 1875," have instructed me to report the same back, and recommend its passage. W. R. BAKER, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 453, "An act to amend section eight of 'an act to authorize the county court of Lamar county, to build a court house and jail, etc.," have considered the same, and recommend its passage.

W. R. BAKER, Chairman.